

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

<p>Pastor Benjamin A. Johnson, Dr. Ronald A. Lundeen, and Pastor Arthur F. Haimerl, on behalf of themselves and all others similarly situated,</p> <p style="text-align: center;">Plaintiffs,</p> <p>v.</p> <p>Evangelical Lutheran Church in America and Board of Pensions of the Evangelical Lutheran Church in America,</p> <p style="text-align: center;">Defendants.</p>	<p>Court File No. 11-cv-00023 (MJD/LIB)</p> <p>DECLARATION OF KATHERINE T. KELLY IN SUPPORT OF PLAINTIFFS' MOTION TO COMPEL THE BOARD OF PENSIONS OF THE EVANGELICAL LUTHERAN CHURCH IN AMERICA TO PRODUCE DOCUMENTS</p>
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I, Katherine T. Kelly, declare as follows based on my personal knowledge:

I am an attorney employed by the law firm of Heins Mills & Olson, P.L.C., Plaintiffs' Interim Co-Lead and Liaison Counsel in the above-captioned action. I submit this declaration in support of Plaintiffs' Motion to Compel the Board of Pensions of the Evangelical Lutheran Church in America to Produce Documents.

1. Attached hereto as Exhibit 1 is a true and correct copy of Plaintiffs' First Requests for the Production of Documents served March 9, 2011.

2. Attached hereto as Exhibit 2 is a true and correct copy of the Board of Pensions of the Evangelical Lutheran Church in America's Responses and Objections to Plaintiffs' First Requests for the Production of Documents served on April 7, 2011.

3. Attached hereto as Exhibit 3 is a true and correct copy of a May 8, 2012, letter from Alison Willard to Laura Mummert.

4. Attached hereto as Exhibit 4 is a true and correct copy of a July 8, 2011, email from Bradley Perkins to Scott Carlson.

5. Attached hereto as Exhibit 5 is a true and correct copy of an August 16, 2011, email from Nicole Diller to Scott Carlson.

6. Attached hereto as Exhibit 6 is a true and correct copy of a February 2, 2012, letter from Bradley Perkins to Laura Mummert.

7. Attached hereto as Exhibit 7 is a true and correct copy of a February 13, 2012, letter from Bradley Perkins to Laura Mummert.

8. Attached hereto as Exhibit 8 is a true and correct copy of a May 3, 2012, letter from Laura Mummert to Alison Willard.

9. Attached hereto as Exhibit 9 is a true and correct copy of excerpts of the April 4, 2012, deposition transcript of Brenda Wagner (FILED UNDER SEAL).

10. Attached hereto as Exhibit 10 is a true and correct copy of a March 9, 2012, letter from Laura Mummert to Alison Willard.

11. Attached hereto as Exhibit 11 is a true and correct copy of a March 8, 2012, email from Alison Willard to Laura Mummert.

12. Attached hereto as Exhibit 12 is a true and correct copy of a March 16, 2012, letter from Alison Willard to Laura Mummert.

13. Attached hereto as Exhibit 13 is a true and correct copy of ELCA's First Privilege Log produced on February 15, 2012 (FILED UNDER SEAL).

14. Attached hereto as Exhibit 14 is a true and correct copy of ELCA's Redaction Log produced January 13, 2012 (FILED UNDER SEAL).

15. Attached hereto as Exhibit 15 is a true and correct copy of a ELCA's Second Privilege Log produced April 12, 2012 (FILED UNDER SEAL).

16. Attached hereto as Exhibit 16 is a true and correct copy of an April 27, 2012, letter from Laura Mummert to Alison Willard.

17. Attached hereto as Exhibit 17 is a true and correct copy of a May 8, 2012, letter from Nicole Diller to Laura Mummert.

18. Attached hereto as Exhibit 18 is a true and correct copy of a January 19, 2012, letter from Laura Mummert to Nicole Diller.

19. Attached hereto as Exhibit 19 is a true and correct copy of a February 1, 2012, letter from Laura Mummert to Nicole Diller.

20. Attached hereto as Exhibit 20 is a true and correct copy of Plaintiffs' Second Requests for Production of Documents to Defendant Board of Pensions of the Evangelical Lutheran Church in America served March 19, 2012.

21. Attached hereto as Exhibit 21 is a true and correct copy of an April 25, 2012, letter from Alison Willard to Laura Mummert.

22. Attached hereto as Exhibit 22 is a true and correct copy of an April 6, 2012, letter from Alison Willard to Laura Mummert.

23. Attached hereto as Exhibit 23 is a true and correct copy of a document numbered DEF00041561-DEF00041565 (FILED UNDER SEAL).

24. Attached hereto as Exhibit 24 is a true and correct copy of a document numbered DEF00041692-DEF00041693 (FILED UNDER SEAL).

25. Attached hereto as Exhibit 25 is a true and correct copy of excerpts of *Constitutions, Bylaws, and Continuing Resolutions of The Evangelical Lutheran Church in America*.

26. Attached hereto as Exhibit 26 is a true and correct copy of *ELCA Retirement Plan*.

27. Attached hereto as Exhibit 27 is a true and correct copy of an April 16, 2012, email from Laura Mummert to Alison Willard.

28. Attached hereto as Exhibit 28 is a true and correct copy of a document numbered DEF00049276-DEF00049287 (FILED UNDER SEAL).

29. Attached hereto as Exhibit 29 is a true and correct copy of a document numbered DEF00049262-DEF00049275 (FILED UNDER SEAL).

30. Attached hereto as Exhibit 30 is a true and correct copy of a document numbered DEF00050474-DEF00050477 (FILED UNDER SEAL).

I declare under penalty of perjury that the foregoing is true and correct. Executed this 3rd day of July, 2012, in Minneapolis, Minnesota.

/s/ Katherine T. Kelly
Katherine T. Kelly